



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 2, 2008

By FAX

Honorable Stephen C. Robinson
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Osborn
08 Civ. 2053 (SCR)

Dear Judge Robinson:


The Court has directed that the parties in the above-referenced case submit a proposed scheduling order by April 7, 2008. This case, the Government is seeking a money judgment for educational costs that the defendant received pursuant to a Reserve Officers Training Corps ("ROTC") Scholarship Service Agreement. To date, the defendant has not been served with the summons and complaint. The Government therefore respectfully requests a sixty-day extension of time to file the proposed schedule.

The Government commenced this action on February 29, 2008. On March 6, 2008, pursuant to Rule 4 of the Federal Rules of Civil Procedure, the Government mailed the defendant a notice of the lawsuit and requested that he waive service of the summons. Pursuant to the notice, the defendant has thirty days to waive service and return the form (i.e., until April 6, 2008). To date, the Government has not received the waiver form. Beginning on April 7, 2008, the Government will attempt to personally serve the defendant with the summons and complaint. Because service is anticipated to take an additional thirty to forty-five days, we request a sixty-day extension of time to submit a proposed schedule.

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

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APPLICATION GRANTED



HON. STEPHEN C. ROBINSON